

REMARKS/ARGUMENTS

Claims 22, 24-28 and 30-41 are pending in the present application. Claims 22, 24-28, 30-33 and 38-41 have been rejected under 35 USC § 103(a) as obvious over US Pat No 6,095,381 to Schwanenberg in view of US Pat No 6,089,411 to Baudin et al. Claims 34-37 have been indicated to be allowable if rewritten in independent form. This notice of allowable subject matter is appreciated.

By way of the present amendments, Claim 22 has been amended in include the limitations of dependent claims 24 and 26. Additional support for these amendments may be found in the Specification at page 19, 6th and 7th paragraphs. Claims 24 and 26 have been canceled. New claim 42 has been introduced; support for this new claim is found in former claim 22 and dependent claim 31. Claim 31 has been canceled. New claim 43 has been introduced; support for this new claim is found in former claim 22 as well as in the Specification at page 5, 4th full paragraph, at page 23, 3rd full paragraph, and at page 24, 1st full paragraph. No new matter is hereby introduced.

Rejection under 35 USC § 103(a)

Claims 22, 24-28, 30-33 and 38-41 have been rejected under 35 USC § 103(a) as obvious over US Pat No 6,095,381 to Schwanenberg in view of US Pat No 6,089,411 to Baudin et al. Claims 24, 26 and 31 have been canceled, and new claims 42 and 43 have been introduced.

As amended herein, claim 22 requires, *inter alia*, that the connecting wall between the support segment and the membrane is disposed with an annular section arranged substantially in a common plane with said support segment, or on a plane which is parallel to the same. Specifically, claim 22 requires an area extending upwardly in curved fashion' at an obtuse angle from the

plane of the support segment and the annular section.

Schwanenberg, at Figs. 13-16 and 17-20 discloses two embodiments having an area (4) that is adjoined to an annular section (between 26 and 24) of a connecting wall, but the angle between the connecting wall and the area is acute, not obtuse. Baudin et al. does not cure Schwanenberg in this regard. Because the cited references, individually or in combination, do not teach all of the limitations of amended claim 22, rejection under 35 USC § 103(a) is improper. Claims 25, 27, 28, 30, and 32-41 each depend from amended claim 22.

New Claim 42

New claim 42 is based on former claim 22 and dependent claim 31, which has been canceled. New claim 42 requires, *inter alia*, slitting comprising three slits configured so as to be star-shaped and arranged at the same angular spacing from one another. Neither Schwanenberg nor Baudin et al. teaches this limitation. Schwanenberg teaches five slits, which are less effective for safe closure than are three, because three slits support each other in an automatically centering fashion and each of the flaps necessarily generates a higher reset force. See, e.g., Applicant's Specification at page 5, 3rd full paragraph et seq., at page 15, 4th paragraph, and at page 16, 3rd full paragraph.

Baudin et al. discloses two cross-shaped slits (see '411 at Fig. 3). US Pat No. 6,457,613 to Patterson teaches the use of four slits (see '613 at Fig. 4). US Pat No. 3,273,754 to Lindley utilizes six slits (see '754 at Fig. 5). US Pat No. 4,133,457 to Klassen also discloses the use of four slits (see '457 at Figs. 2, 6 and 7).

New Claim 43

New claim 43 is based on former claim 22, and contains further limitations fully supported by the Specification as filed. New claim 43 is illustrated in Figures 5 and 8, for example, and requires, *inter alia*, that a thin and non-rigid connecting wall is attached to the side face of the membrane with an offset from the upper and lower sides. See Specification at page 5, 4th full paragraph. This results in a very flexible attachment of the membrane so that any torque transmitted from the connecting wall to the membrane has substantially no effect on the opening and closing of the slitting. Applicant submits that the prior art, particularly Schwanenberg and Baudin et al., does not disclose this limitation.

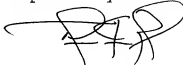
CONCLUSION

It is believed that Claims 22, 25, 27, 28 and 30 and 32-43 are now in condition for allowance, the same being courteously solicited.

If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515/558-0200.

All fees or extensions of time believed to be due in connection with this response are attached hereto; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-2098.

Respectfully submitted,



Timothy J. Zarley
Reg. No. 45,253
ZARLEY LAW FIRM, P.L.C

Capital Square
400 Locust Street, Suite 200
Des Moines, IA 50309-2350
Phone No. (515) 558-0200
Fax No. (515) 558-7790
Customer No. 34082
Attorneys of Record

TJZ/JRJ